

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JODIE DEREK GRAGG,

Plaintiff,

v.

GRAYS HARBOR SHERIFFS
DEPARTMENT *et al.*,

Defendants.

Case No. C07-5499 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
TWO DEFENDANTS MOTIONS TO
DISMISS

This civil rights action comes before the Court on the Report and Recommendation of the Magistrate Judge that Defendants' Rule 12(b)(6) motion be granted and Plaintiff's action be dismissed, with prejudice. As detailed by the Magistrate Judge, the Plaintiff has failed to assert a legal theory that would subject either the City of Elma or the Grays Harbor Sheriffs Office to liability and has not plead facts that would support liability as to either of these defendants. Both these defendants are entitled to dismissal of this action.¹

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:


- (1) The Court adopts the Report and Recommendation;
- (2) The City of Elma's motion to dismiss [Dkt # 20] and the Grays Harbor Sheriffs Departments motion to dismiss [Dkt. # 21] are **GRANTED** for the reasons stated in the Report and Recommendation. Plaintiff cannot hold either of these entities liable for the

¹Defendant Parkhurst Motel has appeared, but has not answered the complaint or otherwise filed any motion to dismiss.

1 allegedly illegal acts of individual employees.

- 2 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and
3 to the Hon. J. Kelley Arnold.

4 DATED this 28th day of March, 2008.

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9 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE